

USDC SCAN INDEX SHEET



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HASTINGS

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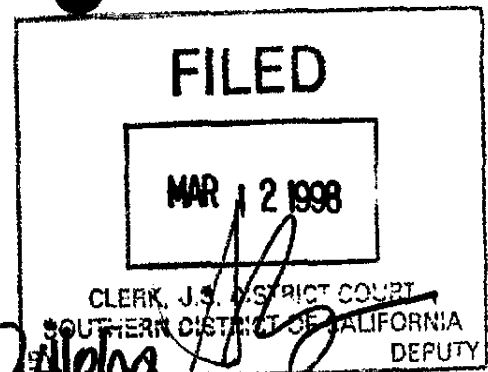
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

April 1997 Grand Jury

UNITED STATES OF AMERICA,

Criminal Case No.

Plaintiff,

INDICTMENT

v.

Title 21, U.S.C., Secs. 952, 960,
and 963 - Conspiracy to Import
Marijuana; Title 21, U.S.C.,
Secs. 846 and 841(a)(1) -
Conspiracy to Distribute
Marijuana; Title 21, U.S.C.,
Secs. 853 and 853(a)(1) and
(a)(2) - Criminal Forfeiture

/ PHILLIP EDWARD HASTINGS (1),

aka Henry Addison,

aka Steve Addison,

aka Henry Davidson,

/ BRUCE CRAIG FITZGERALD (2),

aka Stephen Hutchinson,

STANLEY GEORGE LITWIN (3),

JOHN EDWARD HOCHSTETLER (4),

aka Jacko,

MICHAEL DAVID BELCHER (5),

aka The Kid,

aka Mikie,

aka Harold Dol,

/ JOHN ALEXANDER ROY (6),

DAVID JOHN GREAVES (7),

/ JOHN HEENEN (8),

KENNETH ELI ANDERSON (9),

/ DAVID TYLER MARTIN (10),

aka Paul Fairchild,

LILLY EASTER (11),

aka Lilly Black,

JOHN FREDERICK FORD (12),

aka Gary Simpson,

aka Gary Ford,

MICHAEL WILLIAM RIES (13),

aka Mick Spring,

aka Mike Barr,

aka Mike Stone,

//

TDC:nlv:San Diego
03/11/98

1 VICTOR ALLYN SMITH (14),)
2 aka Smittie,)
3 aka California Vic,)
4 WILLIAM MICHAEL SHAHANE (15),)
5 aka Irish Mike,)
6 aka Mike Shane,)
7 MICHAEL JAMES FITZGERALD (16),)
8 EDDIE B. HOWARD (17),)
9 RONALD FRANKLIN NEWMAN (18),)
10 CHRISTOPHER CARTER)
11 MAYNE (19),)
12 aka Brian,)
13 aka Bobby,)
14 JOSEPH A. BIANCHI (20),)
15 Defendants.)
16 _____)

17 The grand jury charges:

18 Count 1

19 At all times material to this indictment:

20 1. Defendants PHILIP EDWARD HASTINGS, aka Henry Addison, aka
21 Steve Addison, aka Henry Davidson, and BRUCE CRAIG FITZGERALD, aka
22 Stephen Hutchinson, were leaders and organizers of a marijuana
23 smuggling venture involving the importation of approximately
24 18,000 pounds of marijuana from Thailand into the United States.

25 2. Defendant STANLEY GEORGE LITWIN obtained and secured the
26 sailing vessel "Java" which was used to transport the marijuana from
27 Thailand to a place approximately 1,200 miles off the west coast of
28 the United States.

29 3. Defendant JOHN EDWARD HOCHSTETLER, aka Jacko, captained the
30 sailing vessel "Java," and with the assistance of crew member
31 defendant MICHAEL DAVID BELCHER, aka The Kid, aka Mikie, aka Harold
32 Dol, sailed the Java and its 18,000 pound Thai marijuana load from
33 Thailand to a location approximately 1,200 miles of the west coast of
34 the United States.

1 4. Defendant JOHN ALEXANDER ROY captained the sailing vessel
2 Molly, and with the assistance of crew members, defendants DAVID JOHN
3 GREAVES and JOHN HEENEN, sailed the Molly to a location approximately
4 1,200 miles of the west coast of the United States where they took
5 delivery of the 18,000 pounds of Thai marijuana from the captain and
6 crew of the sailing vessel Java.

7 5. Defendants JOHN FREDERICK FORD, aka Gary Simpson, aka Gary
8 Ford and KENNETH ELI ANDERSON, and Marvin James Buurman, charged
9 elsewhere, organized and directed the transfer of 18,000 pounds of
10 Thai marijuana from the sailing vessel Molly to various smaller power
11 boats in the Anacortes, Washington area.

12 6. Defendants JOHN ALEXANDER ROY, DAVID JOHN GREAVES, JOHN
13 HEENEN, MICHAEL WILLIAM RIES, aka Mick Spring, aka Mike Barr, aka Mike
14 Stone, DAVID TYLER MARTIN, aka Paul Fairchild, WILLIAM MICHAEL
15 SHAHANE, aka Irish Mike, aka Mike Shane, VICTOR ALLYN SMITH, aka
16 Smittie, aka California Vic, and LILLY EASTER, aka Lilly Black, were
17 responsible for off-loading the Thai marijuana from larger boats to
18 smaller boats and transporting the Thai marijuana to stash locations
19 in the State of Washington.

20 7. Defendants MICHAEL JAMES FITZGERALD and EDDIE B. HOWARD and
21 Robert Bruce Asquini, charged elsewhere, utilized their residences and
22 or rentals as storage locations for the Thai marijuana once it was
23 imported into the United States.

24 8. Defendants MICHAEL DAVID BELCHER, aka The Kid, aka Mikie,
25 aka Harold Dol, RONALD FRANKLIN NEWMAN and CHRISTOPHER CARTER MAYNE,
26 aka Brian, aka Bobby, and Alan Blake Eliel, charged elsewhere,
27 assisted in the transportation of the Thai marijuana from locations
28 in Washington to locations in California and elsewhere.

1 9. Defendants DAVID TYLER MARTIN, aka Paul Fairchild, WILLIAM
2 MICHAEL SHAHANE, aka Irish Mike, aka Mike Shane, and JOSEPH A. BIANCHI
3 distributed the Thai marijuana in Minnesota, New York and elsewhere.

4 10. From in or about early 1995, to in or about August 13, 1997,
5 within the Southern District of California, and elsewhere, defendants
6 PHILLIP EDWARD HASTINGS, aka Henry Addison, aka Steve Addison, aka
7 Henry Davidson, BRUCE CRAIG FITZGERALD, aka Stephen Hutchinson,
8 STANLEY GEORGE LITWIN, JOHN EDWARD HOCHSTETLER, aka Jacko, MICHAEL
9 DAVID BELCHER, aka The Kid, aka Mikie, aka Harold Dol, JOHN ALEXANDER
10 ROY, DAVID JOHN GREAVES, JOHN HEENEN, KENNETH ELI ANDERSON, DAVID
11 TYLER MARTIN, aka Paul Fairchild, LILLY EASTER, aka Lilly Black, JOHN
12 FREDERICK FORD, aka Gary Simpson, aka Gary Ford, WILLIAM RIES, aka
13 Mick Spring, aka Mike Barr, aka Mike Stone, VICTOR ALLYN SMITH, aka
14 Smittie, aka California Vic, WILLIAM MICHAEL SHAHANE, aka Irish Mike,
15 aka Mike Shane, MICHAEL JAMES FITZGERALD, EDDIE B. HOWARD, RONALD
16 FRANKLIN NEWMAN, CHRISTOPHER CARTER MAYNE, aka Brian, aka Bobby, and
17 JOSEPH A. BIANCHI, and Marvin J. Buurman, Alan Blake Eliel and Robert
18 Bruce Asquini, all charged elsewhere, did knowingly and intentionally
19 conspire with each other and with other persons known and unknown to
20 the grand jury to import approximately 18,000 pounds of Thai
21 marijuana, a Schedule I Controlled Substance, from a place outside the
22 United States to a place inside the United States, in violation of
23 Title 21, United States Code, Sections 952 and 960.

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25 //

26 //

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OVERT ACTS

In furtherance of said conspiracy and to effect the object thereof, the following overt acts, among others, were committed within the Southern District of California, and elsewhere:

1. In or about early 1995, defendant BRUCE CRAIG FITZGERALD, aka Stephen Hutchinson (hereinafter "defendant BRUCE FITZGERALD") provided defendant PHILLIP EDWARD HASTINGS, aka Henry Addison, aka Steve Addison, aka Henry Davidson (hereinafter "defendant HASTINGS") with a source of supply for a Fall 1995 Thai marijuana smuggling venture.
2. In or about early 1995, defendant STANLEY GEORGE LITWIN (hereinafter "defendant LITWIN") purchased a 65 foot sailing vessel, the "Java" for use as the "mother ship" in defendants HASTINGS and BRUCE FITZGERALD's Fall 1995 Thai marijuana smuggling venture.
3. In or about early 1995, LITWIN and defendant KENNETH ELI ANDERSON (hereinafter "defendant ANDERSON") recruited defendant JOHN ALEXANDER ROY (hereinafter "defendant ROY") to act as captain of the boat transporting the Thai marijuana from the "mother ship" to the United States in the Fall 1995 Thai marijuana smuggling venture.
4. In or about July 1995, defendants HASTINGS and ROY recruited Marvin J. Buurman, to organize and plan the off-load of the Thai marijuana into the Seattle, Washington area, including hiring an off-load crew and arranging for vessels, trailers, vehicles and stash locations to be used in the Fall 1995 Thai marijuana smuggling venture.

- 1 5. In or about July 1995, in Anacortes, Washington, Marvin J.
2 Buurman provided defendant ROY with the "Molly," a 62'
3 sailing vessel, to be used in transporting the Thai
4 marijuana from the "mother ship" to the United States.
- 5 6. From on or about September 24, 1994 through July 26, 1997,
6 defendant ROY docked the "Molly" at Lovric's Sea-Craft
7 Marina in Anacortes, Washington.
- 8 7. In or about July 1995, at Lovric's Sea-Craft Marina in
9 Anacortes, Washington, defendants ROY and JOHN FREDERICK
10 FORD, aka Gary Simpson, aka Gary Ford (hereinafter
11 "defendant FORD"), accompanied by defendant ANDERSON, had
12 the sailing vessel "Molly" repaired in preparation for its
13 use in the Fall 1995 Thai marijuana smuggling venture.
- 14 8. In or about July 1995, in the Seattle, Washington area,
15 defendant ROY recruited defendants DAVID JOHN GREAVES
16 (hereinafter "defendant GREAVES") and JOHN HEENEN
17 (hereinafter "defendant HEENEN") to act as the crew of the
18 sailing vessel "Molly" in the Fall 1995 Thai marijuana
19 smuggling venture.
- 20 9. In July 1995, in Bellingham, Washington, defendant MICHAEL
21 WILLIAM RIES, aka Mick Spring, aka Mike Barr, aka Mike
22 Stone (hereinafter "defendant RIES"), purchased two boat
23 trailers, under the alias "Mike Stone," for approximately
24 \$7,300 in cash, for use in the off-load and transportation
25 of Thai marijuana in the Fall 1995 Thai marijuana smuggling
26 venture.
- 27 10. On or about July 14, 1995, in Anacortes, Washington,
28 defendant FORD, using the alias "Gary Simpson," rented a

1 room at the Anacortes Inn, while he prepared for the Fall
2 1995 Thai marijuana smuggling venture.

3 11. From on or about July 23, 1995 through July 31, 1995, in
4 Anacortes, Washington, defendant ROY rented rooms at the
5 Anacortes Inn, while he prepared for the Fall 1995 Thai
6 marijuana smuggling venture.

7 12. From on or about July 27, 1995 through September 1, 1995,
8 in Kirkland, Washington, defendant FORD, using the alias
9 "Gary Simpson," rented a room at the Silver Cloud Inn, while
10 he prepared for the Fall 1995 Thai marijuana smuggling
11 venture.

12 13. On or about July 29, 1995, near the Seattle-Tacoma airport,
13 defendant ROY rented a room at the Wyndham Garden Hotel for
14 the purpose of meeting with defendant HASTINGS and Marvin
15 J. Buurman to discuss the Fall 1995 Thai marijuana
16 smuggling venture.

17 14. On or about, July 29, 1995, at the Wyndham Garden Hotel
18 near the Seattle-Tacoma airport, defendants HASTINGS and
19 ROY and Marvin J. Buurman, met and finalized defendant
20 HASTINGS' plan to smuggle approximately 18,000 pounds of
21 Thai marijuana into Anacortes, Washington during September
22 1995.

23 15. On or about, July 29, 1995, at the Wyndham Garden Hotel
24 near the Seattle-Tacoma airport, defendant HASTINGS met
25 with defendant ROY and informed him that the Thai marijuana
26 smuggling venture was planned with the assistance of
27 defendant BRUCE FITZGERALD.
28

- 1 16. On or about July 29, 1995, at the Wyndham Garden Hotel near
2 the Seattle-Tacoma airport, defendant HASTINGS agreed to
3 pay defendant ROY \$1.4 million dollars for using the
4 sailing vessel "Molly" to take delivery of the approximately
5 18,000 pounds of Thai marijuana in mid-ocean and deliver
6 the marijuana load into the United States near Anacortes,
7 Washington.
- 8 17. On or about July 29, 1995, at the Wyndham Garden Hotel near
9 the Seattle-Tacoma airport, defendant HASTINGS agreed to
10 pay Marvin J. Buurman and his off-load crew approximately
11 \$6 million dollars for their efforts in planning and
12 organizing the off-load of the Thai marijuana once it
13 reached the United States near Anacortes, Washington.
- 14 18. On or about July 29, 1995, at the Wyndham Garden Hotel near
15 the Seattle-Tacoma airport, defendant HASTINGS provided
16 defendant ROY and Marvin J. Buurman with the radio codes
17 and channels to be used by "Molly" when communicating with
18 the other smuggling vessels.
- 19 19. On or about July 31, 1995, defendant ROY and defendant
20 HEENEN sailed the "Molly" from Anacortes, Washington to
21 Victoria Island, Canada where defendant GREAVES joined them
22 as a member of the crew on board the "Molly."
- 23 20. In or about early August 1995, on Vancouver Island, Canada,
24 defendant ROY and his crew, defendants GREAVES and HEENEN,
25 obtained a Canadian cruising permit to allow the "Molly" to
26 legally sail between Canadian and United States waters.
- 27 21. Beginning on or about, August 9, 1995 through September 8,
28 1995, at the Cap Sante Boat Harbor, Anacortes, Washington,

1 defendant ANDERSON rented a boat slip for the vessel "Al
2 Kriss II," a 50 foot power boat registered to defendant
3 VICTOR ALLYN SMITH, aka Smittie, aka California Vic
4 (hereinafter "defendant SMITH"), for the purpose of
5 utilizing the "Al Kriss II" in the Fall 1995 Thai marijuana
6 smuggling venture.

7 22. In or about August 1995, defendant SMITH departed his
8 Oceanside residence and traveled to the Anacortes,
9 Washington area to participate in the Thai marijuana
10 smuggling venture.

11 23. Beginning on or about, August 9, 1995 through December 3,
12 1996, in the State of Washington, defendant SMITH
13 subscribed to a cellular telephone service in order to
14 facilitate the Fall 1995 Thai marijuana smuggling venture.

15 24. On or about, August 10, 1995, in Anacortes, Washington,
16 defendant ANDERSON purchased two cellular phones from
17 Horizon Audio and Video Stores to be utilized in the Fall
18 1995 Thai marijuana smuggling venture.

19 25. Beginning in or about August 1995 through April 1996, in
20 Woodenville, Washington, defendant DAVID TYLER MARTIN, aka
21 Paul Fairchild (hereinafter "defendant MARTIN"), using the
22 alias "Paul Fairchild," rented a pole barn for the purpose
23 of storing boats and vehicles utilized in the Fall 1995
24 Thai marijuana smuggling venture.

25 26. Beginning in August and continuing through early September
26 of 1995, defendants JOHN EDWARD HOCHSTETLER, aka Jacko
27 (hereinafter "defendant HOCHSTETLER") and MICHAEL DAVID
28 BELCHER, aka The Kid, aka Mikie, aka Harold Dol

(hereinafter "defendant BELCHER") and an unknown male sailed the "Java," which contained approximately 18,000 pounds of Thai marijuana, from the Thailand coast to a predetermined meeting location, south of the Hawaiian Islands, near Majuro of the Marshall Islands in the Pacific Ocean.

27. In late August 1995 and early September 1995, as directed by defendants HASTINGS, ROY, HEENEN and GREAVES sailed the "Molly" from Canadian waters to a location in the Pacific Ocean, south of the Hawaiian Islands, near Majuro of the Marshall Islands, in order to rendezvous with the "mother ship," the sailing vessel "Java."

28. In or about the first week of September 1995, in the Pacific Ocean near Majuro of the Marshall Islands, defendants HOCHSTETLER and BELCHER and an unknown male transferred approximately 18,000 pounds of Thai marijuana from the sailing vessel, "Java" to defendants ROY, GREAVES and HEENEN aboard the sailing vessel, "Molly."

29. In or about early September 1995, in the Pacific Ocean, defendants ROY, GREAVES and HEENEN sailed the "Molly" which contained approximately 18,000 pounds of Thai marijuana to Boat Harbor near Anacortes, Washington.

30. On or about September 6, 1995, in Hawaii, shortly after the mid Pacific Ocean transfer of the 18,000 pounds of Thai marijuana to the sailing vessel "Molly," defendant LITWIN took delivery of the "Java" as payment for his involvement in the Thai marijuana smuggling venture and registered the "Java" in his name.

1 31. In or about early of 1995, in Laguna Beach, California,
2 defendant HASTINGS took delivery of \$50,000 from Alan Blake
3 Eliel, as an investment in a Thai marijuana smuggling
4 venture.

5 32. In or about the first week of September 1995, following the
6 arrest of the off-load organizer, Marvin J. Buurman, on
7 passport fraud charges, defendants ANDERSON and FORD
8 assumed responsibility for overseeing the off-load of the
9 Thai marijuana load near Anacortes, Washington.

10 33. In or about the first week of September 1995, following the
11 arrest of the off-load organizer, Marvin J. Buurman, on
12 passport fraud charges, defendant MICHAEL JAMES FITZGERALD
13 (hereinafter "defendant MICHAEL FITZGERALD") agreed to
14 assist in the storage of the 18,000 pounds of Thai
15 marijuana by utilizing his residence located at
16 29821 Southeast 408th Street, Enumclaw, Washington, as a
17 temporary storage location for a portion of the Thai
18 marijuana load.

19 34. In or about the first week of September 1995, following the
20 arrest of the off-load organizer, Marvin J. Buurman, on
21 passport fraud charges, defendant EDDIE B. HOWARD
22 (hereinafter "defendant HOWARD") agreed to assist in the
23 storage of the 18,000 pounds of Thai marijuana by utilizing
24 his residence located at 9214 Northeast Ruys Lane,
25 Bainbridge Island, Washington, as a temporary storage
26 location for a portion of the Thai marijuana load.

27 35. In or about September 1995 continuing through November 1,
28 1995, in the Seattle, Washington area, defendant MICHAEL

1 FITZGERALD telephoned defendant HOWARD at his residence on
2 Bainbridge Island, Washington and discussed the Fall 1995
3 Thai marijuana smuggling venture.

4 36. On or about September 9, 1995 through September 10, 1995,
5 in Anacortes, Washington, defendant RIES, using the alias
6 "Mick Spring," stayed at the Anacortes Inn, while he
7 prepared for the Fall 1995 Thai marijuana smuggling
8 venture.

9 37. On or about September 14, 1995, in Boat Harbor near
10 Anacortes, Washington, the "Molly," captained by defendant
11 ROY with his crew of defendants GREAVES and HEENEN, met
12 with the "Al Kriss II," a fifty foot motor boat piloted by
13 defendant ANDERSON with assistance from defendants MARTIN
14 and LILLY EASTER, aka Lilly Black (hereinafter "defendant
15 EASTER").

16 38. On or about September 14, 1995, in Boat Harbor, Washington,
17 defendants ANDERSON, MARTIN and EASTER, on board the power
18 boat "Al Kriss II," took delivery of approximately 9,000
19 pounds of Thai marijuana load from the captain and crew of
20 the "Molly," defendants ROY, GREAVES and HEENEN.

21 39. On or about September 14, 1995, in Boat Harbor, Washington,
22 defendants ROY and GREAVES unloaded the remaining
23 approximately 9,000 pounds of the Thai marijuana load from
24 the "Molly" onto two 27 foot Bayliner power boats, one
25 piloted by defendant WILLIAM MICHAEL SHAHANE, aka Irish
26 Mike, aka Mike Shane (hereinafter "defendant SHAHANE"), and
27 the other piloted by defendant SMITH.

28

1 40. On or about September 14, 1995, in Anacortes, Washington,
2 after off-loading the approximately 18,000 pounds of Thai
3 marijuana from the "Molly," defendants ROY and GREAVES
4 moored the "Molly" at Lovric's Sea-Craft Marina.

5 41. On or about September 14, 1995 through on or about
6 September 18, 1995, in Anacortes, Washington, defendants
7 ROY and GREAVES rented rooms at the Island's Inn.

8 42. On or about September 14, 1995, defendants SHAHANE and
9 SMITH piloted the 27 foot Bayliner power boats, each
10 loaded with approximately 4,500 pounds of the Thai
11 marijuana load, to boat ramps located near Lake Harbor and
12 Blind Slough, Washington.

13 43. On or about September 14, 1995, at boat ramps located near
14 Lake Harbor and Blind Slough, Washington, defendants
15 SHAHANE and SMITH pulled the 27 foot Bayliner power boats
16 onto boat trailers and transported the marijuana to nearby
17 stash locations.

18 44. On or about September 14, 1995, near Anacortes, Washington,
19 defendants HASTINGS and BRUCE FITZGERALD supervised the
20 off-load of a 27 foot Bayliner power boat loaded with Thai
21 marijuana.

22 45. On or about September 14, 1995, in Boat Harbor, Washington,
23 defendants ANDERSON, MARTIN, EASTER and HEENEN stayed on
24 board the "Al Kriss II," and safeguarded the remaining
25 approximately 9,000 pounds of Thai marijuana throughout the
26 evening and following day.

27 46. On or about September 15, 1995, during the early evening
28 hours, in Boat Harbor, Washington, defendants ANDERSON,

1 MARTIN, EASTER and HEENEN off-loaded approximately 9,000
2 pounds of Thai marijuana from the "Al Kriss II" onto the two
3 smaller 27 foot Bayliner power boats, one piloted by
4 defendant SHAHANE and the other piloted by defendant SMITH.

5 47. On or about September 15, 1995, defendants SHAHANE and
6 SMITH piloted the 27 foot Bayliner power boats, each
7 loaded with approximately 4,500 pounds of the Thai
8 marijuana load, to boat ramps located near Lake Harbor and
9 Blind Slough, Washington.

10 48. On or about September 15, 1995, at boat ramps located near
11 Lake Harbor and Blind Slough, Washington, defendants
12 SHAHANE and SMITH pulled the 27 foot Bayliner power boats
13 onto boat trailers and transported the marijuana to nearby
14 stash locations.

15 49. On both September 14 and 15, 1995, in Boat Harbor,
16 Washington, defendants FORD and RIES piloted a small
17 speedboat, a 26 foot Rienell registered to defendant RIES
18 under the alias "Mick Spring," acting as lookouts for law
19 enforcement during the off-load of the Thai marijuana from
20 the larger vessels to the smaller vessels.

21 50. On or about September 14 and 15, 1995, at the direction of
22 defendants ANDERSON and FORD, SHAHANE, SMITH, RIES and
23 others transported several loads of the Thai marijuana to:
24 a stash house located near Bothell, Washington; defendant
25 HOWARD's residence located at 9214 Northeast Ruys Lane,
26 Bainbridge Island, Washington; and defendant MICHAEL
27 FITZGERALD's residence located at 29821 Southeast 408th
28 Street, Enumclaw, Washington.

1 51. On or about September 13 through on or about September 20,
2 1995, in the Seattle, Washington area, defendant RONALD
3 FRANKLIN NEWMAN (hereinafter "defendant NEWMAN") and Alan
4 Blake Eliel, at the direction of defendant HASTINGS, rented
5 a hotel room at the Marriot Residence Inn and a rental car
6 and cellular telephone from the Seattle-Tacoma airport, in
7 order to facilitate the Thai marijuana smuggling venture.

8 52. On or about September 13, 1995, in Seattle Washington,
9 defendants HASTINGS, NEWMAN and CHRISTOPHER CARTER MAYNE,
10 aka Brian, aka Bobby (hereinafter "defendant MAYNE") drove
11 Alan Blake Eliel from the Seattle-Tacoma airport to the
12 Marriot Residence Inn to meet and plan the distribution of
13 the Thai marijuana.

14 53. On or about September 16, 1995, at a bar in Enumclaw,
15 Washington, defendant HASTINGS and Alan Blake Eliel met
16 with defendant ROY, and during that meeting, defendant ROY
17 discussed the money defendant HASTINGS owed defendants
18 ANDERSON, FORD and ROY for their smuggling services.

19 54. After the arrival of the Thai marijuana load in September
20 1995 through in or about early November 1995, on a farm
21 located near Bothell, Washington, defendants ANDERSON and
22 FORD stored approximately 5,500 pounds of the 18,000 pound
23 Thai marijuana load to assure payment for their services in
24 the smuggling venture.

25 55. On or about September 17, 1995, in Seattle, Washington,
26 defendant HASTINGS using the alias "Henry Addison" rented a
27 U-haul truck for return in Reno, Nevada on September 22,
28 1995, in order to transport a portion of the Thai marijuana

1 load from defendant MICHAEL FITZGERALD's Enumclaw,
2 Washington residence to the Grass Valley, California
3 residence of Robert Bruce Asquini.

4 56. From on or about September 17, 1995, through October 1995,
5 at the direction of defendants HASTINGS, MAYNE, HOCHSTETLER
6 and Alan Blake Eliel, transported and assisted in the
7 transportation of approximately 12,500 pounds of Thai
8 marijuana, via rental trucks, from stash locations in the
9 State of Washington to Robert Bruce Asquini's Grass Valley,
10 California residence.

11 57. On or about the evening of September 17, 1995, while en
12 route to Robert Bruce Asquini's Grass Valley residence with
13 a rental truck containing a portion of the Thai marijuana
14 load, defendant MAYNE and Alan Blake Eliel stayed at the
15 Best Western Inn in Ontario, Oregon.

16 58. On or about September 18, 1995, at the Reno-Tahoe
17 International Airport, in Reno, Nevada, defendant HASTINGS,
18 using the alias "Henry Addison," rented a Hertz car in order
19 to facilitate the storage and distribution of the Thai
20 marijuana load.

21 59. On or about September 18, 1995 through October 8, 1995, at
22 the Reno-Tahoe International Airport, in Reno, Nevada,
23 defendant HASTINGS, rented a cellular telephone using the
24 alias "Henry Addison," in order to facilitate the storage
25 and distribution of the Thai marijuana load.

26 60. On or about the evening of September 18, 1995, at the
27 direction of defendants HASTINGS and BRUCE FITZGERALD, Alan
28 Blake Eliel stayed at the Reno Hilton, in Reno, Nevada,

1 before returning to the State of Washington for the purpose
2 of transporting additional Thai marijuana from defendant
3 HOWARD'S Bainbridge Island, Washington residence to Robert
4 Bruce Asquini's Grass Valley, California residence.

5 61. On or about September 19, 1995, defendants HASTINGS, BRUCE
6 FITZGERALD and Alan Blake Eliel flew from Reno, Nevada to
7 Seattle, Washington for the purpose of arranging the
8 transportation of additional Thai marijuana from the State
9 of Washington to Robert Bruce Asquini's Grass Valley,
10 California residence.

11 62. On or about September 19, 1995, at defendant HOWARD'S
12 Bainbridge Island, Washington residence, defendants
13 HASTINGS, BRUCE FITZGERALD, MICHAEL FITZGERALD, and HOWARD
14 and Alan Blake Eliel, loaded a rental truck with a portion
15 of the Thai marijuana load.

16 63. On or about September 20, 1995 through September 21, 1995,
17 defendant HOCHSTETLER, driving a separate car, followed the
18 loaded rental truck driven by Alan Blake Eliel from the
19 State of Washington to Robert Bruce Asquini's Grass Valley,
20 California.

21 64. On or about the evening of September 20, 1995, while en
22 route to Robert Bruce Asquini's Grass Valley residence with
23 a rental truck containing a portion of the Thai marijuana
24 load, defendant HOCHSTETLER and Alan Blake Eliel stayed at
25 the Best Western Sunridge Inn in Baker City, Oregon.

26 65. On or before September 22, 1997, in Enumclaw, Washington,
27 defendant HASTINGS paid defendant ROY approximately \$15,000
28

1 as partial payment for his role as captain of the sailing
2 vessel "Molly."

3 66. On or about October 8, 1995 through October 23, 1995, at
4 the Reno-Tahoe International Airport, in Reno, Nevada,
5 defendant HASTINGS, using the alias "Henry Addison," rented
6 a Hertz car in order to facilitate the storage and
7 distribution of the Thai marijuana load.

8 67. On or about October 8, 1995 through October 23, 1995, at
9 the Reno-Tahoe International Airport, in Reno, Nevada,
10 defendant HASTINGS, rented a cellular telephone using the
11 alias "Henry Addison," in order to facilitate the storage
12 and distribution of the Thai marijuana load.

13 68. On or about October 16, 1995 and October 20, 1995, at the
14 direction of defendant HASTINGS, in Sacramento, California,
15 Robert Bruce Asquini purchased a vacuum sealer machine and
16 plastic bags, for approximately \$5.600 in cash, which items
17 were used in the vacuum sealing of the Thai marijuana
18 stored at Robert Bruce Asquini's Grass Valley, California
19 residence.

20 69. On or before October 31, 1995, in Grass Valley, California,
21 defendant BELCHER, using the alias "Harold Dol," and Robert
22 Bruce Asquini, purchased and assisted in the purchase of a
23 gas canister used in the vacuum sealing of the Thai
24 marijuana stored at a Robert Bruce Asquini's Grass Valley,
25 California residence.

26 70. In or about October and November 1995, at Robert Bruce
27 Asquini's Grass Valley, California residence, defendants
28 HASTINGS, MAYNE, BRUCE FITZGERALD and Alan Blake Eliel

1 processed, weighed and vacuum sealed a portion of the Thai
2 marijuana load for future distribution.

3 71. On or about November 1, 1995 through November 5, 1995, in
4 Tahoe City, California, defendant ROY and others reserved
5 a hotel room at the Travelodge Motel while looking for a
6 stash house to rent in the Truckee, California area.

7 72. On or about November 6, 1995 through April 5, 1996, in
8 Truckee, California, defendant ROY, with the assistance of
9 others, rented a stash house used to store approximately
10 5,500 pounds of the Thai marijuana load.

11 73. In or about early November 1995, in Bothell, Washington,
12 defendants ANDERSON, FORD, EASTER and GREAVES transported
13 approximately 5,500 pounds of the Thai marijuana from a
14 farm located near Bothell, Washington to the rental
15 property located in Truckee, California.

16 74. In or about November 1995 through in or about April 1996,
17 after taking delivery of the sailing vessel "Java,"
18 defendant LITWIN docked the Java at the Sanford-Wood Boat
19 Yard in Richmond, California and contracted for
20 approximately \$150,000 in boat repairs.

21 75. On or about November 8, 1995 through November 12, 1995, in
22 Orange County, California, defendant HASTINGS, using the
23 alias "Henry Addison," rented a room at the Newport Classic
24 Inn and had telephone conversations with defendant NEWMAN
25 and Alan Blake Eliel regarding the storage and distribution
26 of the Thai marijuana.

27 76. In or about January 1996, in Newport Beach, California, at
28 the direction of defendant HASTINGS, defendant NEWMAN took

1 delivery of approximately \$30,000 from Alan Blake Eliel as
2 payment for a white cargo van to be used in transporting
3 portions of the 18,000 pound Thai marijuana load.

4 77. In January and February 1996, at restaurants located in
5 North County San Diego, California, defendant HASTINGS met
6 with Alan Blake Eliel and discussed the ongoing
7 distribution of the Thai marijuana load and the payment of
8 the Thai marijuana smuggling fees.

9 78. In January 1996, at the direction of defendant HASTINGS,
10 Alan Blake Eliel transported approximately 1,500 pounds of
11 Thai marijuana from Robert Bruce Asquini's Grass Valley,
12 California residence to an apartment in San Francisco,
13 California.

14 79. In February 1996, in San Francisco, California, and
15 elsewhere, defendants HASTINGS and BELCHER, and Alan Blake
16 Eliel, organized the transportation of approximately 1,500
17 pounds of Thai marijuana from the San Francisco, California
18 apartment to defendant MICHAEL FITZGERALD's property
19 located at 6991 Apache Trail, Yucca Valley, California.

20 80. From in or about January 1996 through April 1996,
21 defendants HASTINGS, FORD, ANDERSON, SHAHANE, MARTIN,
22 SMITH, and RIES, and others distributed portions of the
23 18,000 pound Thai marijuana load throughout the United
24 States.

25 81. In or about March 1996, in Sidney, British Columbia,
26 defendant GREAVES moored the sailing vessel "Molly" at the
27 Van Isle Marina and possessed approximately four kilograms
28 of the 18,000 pound Thai marijuana load.

- 1 82. On or about April 13, 1996, in Grass Valley, California,
2 pursuant to the direction of defendant HASTINGS, Robert
3 Bruce Asquini stored approximately 3,500 pounds of the Thai
4 marijuana in a sealed room inside the garage of his
5 residence.
- 6 83. On or about April 13, 1996, at 6991 Apache Trail, Yucca
7 Valley, California, pursuant to the directions of
8 defendants HASTINGS and BRUCE FITZGERALD, defendant MICHAEL
9 FITZGERALD stored approximately 1,500 pounds of the Thai
10 marijuana in the garage of his property.
- 11 84. In April 1996, at a storage facility, located at
12 51 Argonaut, locker numbers E261 and E133, in Aliso Viejo,
13 California, defendant HASTINGS, using the alias "Henry
14 Davidson," stored approximately 149 pounds of Thai marijuana
15 load and a vacuum sealer machine purchased by Robert Bruce
16 Asquini.
- 17 85. In or about April 1996, defendant SHAHANE distributed
18 approximately 40 pounds of Thai marijuana from the Fall
19 1995 Thai marijuana smuggling venture to individuals in
20 Minneapolis, Minnesota.
- 21 86. In a February 26, 1997, telephone conversation between
22 defendant SMITH in Oceanside, California, and Marvin J.
23 Buurman, defendant SMITH discussed changing the vessel
24 registration of the power boat "Al Kriss II," which was
25 utilized in the Fall 1995 Thai marijuana smuggling venture,
26 in order to prevent detection or apprehension by law
27 enforcement.
- 28

1 87. On or about March 6, 1997, in San Diego, California,
2 defendant MARTIN met Marvin J. Buurman, and discussed the
3 fact that defendant MARTIN's distributors in New York City
4 owed money and/or marijuana for Thai marijuana previously
5 distributed to them.

6 88. Between on or about March 6 and March 19, 1997, from
7 Petaluma, California, defendant MARTIN arranged with
8 defendant JOSEPH A. BIANCHI (hereinafter "defendant
9 BIANCHI") in New York City to return approximately 450
10 pounds of Thai marijuana previously delivered to defendant
11 BIANCHI.

12 89. On or about March 26, 1997, in New York City, defendant
13 BIANCHI drove to a parking garage in order to return 450
14 pounds of Thai marijuana previously delivered to him by
15 defendant MARTIN.

16 90. On or about March 26, 1997, in a telephone conversation in
17 New York City, defendant BIANCHI told a federal agent,
18 acting in an undercover capacity, that earlier in the day,
19 he had delivered approximately 450 pounds of Thai marijuana
20 to a van located in a parking garage.

21 91. On or about April 17, 1997, in Seattle, Washington,
22 defendant RIES met with Marvin J. Buurman, and discussed
23 efforts by their co-conspirators in the Fall 1995 Thai
24 marijuana smuggling venture to prevent detection and
25 apprehension by law enforcement.

26 92. On or about August 13, 1997, in Minneapolis, Minnesota,
27 defendant SHAHANE met with Marvin J. Buurman, and discussed
28 the Fall 1995 Thai marijuana smuggling venture and law

1 enforcement's seizure of approximately 40 pounds of Thai
2 marijuana previously distributed by defendant SHAHANE in
3 Minneapolis, Minnesota.

4 All in violation of Title 21, United States Code, Section 963.

5 Count 2

6 1. Paragraphs 1 through 9 of Count 1 of this indictment are
7 hereby incorporated by reference as though fully set forth herein.

8 2. From in or about early 1995, to on or about August 13, 1997,
9 within the Southern District of California, and elsewhere, defendants
10 PHILLIP EDWARD HASTINGS, aka Henry Addison, aka Steve Addison, aka
11 Henry Davidson, BRUCE CRAIG FITZGERALD, aka Stephen Hutchinson,
12 STANLEY GEORGE LITWIN, JOHN EDWARD HOCHSTETLER, aka Jacko, MICHAEL
13 DAVID BELCHER, aka The Kid, aka Mikie, aka Harold Dol, JOHN ALEXANDER
14 ROY, DAVID JOHN GREAVES, JOHN HEENEN, KENNETH ELI ANDERSON, DAVID
15 TYLER MARTIN, aka Paul Fairchild, LILLY EASTER, aka Lilly Black, JOHN
16 FREDERICK FORD, aka Gary Simpson, aka Gary Ford, WILLIAM RIES, aka
17 Mick Spring, aka Mike Barr, aka Mike Stone, VICTOR ALLYN SMITH, aka
18 Smittie, aka California Vic, WILLIAM MICHAEL SHAHANE, aka Irish Mike,
19 aka Mike Shane, MICHAEL JAMES FITZGERALD, EDDIE B. HOWARD, RONALD
20 FRANKLIN NEWMAN, CHRISTOPHER CARTER MAYNE, aka Brian, aka Bobby, and
21 JOSEPH A. BIANCHI, and Marvin J. Buurman, Alan Blake Eliel and Robert
22 Bruce Asquini, all charged elsewhere, did knowingly and intentionally
23 conspire with each other and with other persons known and unknown to
24 the grand jury to distribute 18,000 pounds of Thai marijuana, a
25 Schedule I Controlled Substance, in violation of Title 21, United
26 States Code, Section 841(a)(1).

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OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the overt acts alleged in Count 1 of this indictment, and realleged herein by reference, among others, were committed within the Southern District of California and elsewhere.

All in violation of Title 21, United States Code, Section 846.

FORFEITURE ALLEGATION

The allegations contained in Counts 1 and 2 are realleged and by their reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

1. As a result of the commission of the felony offenses alleged in Counts 1 and 2, said violations being punishable by imprisonment for more than one year, and pursuant to Title 21, United States Code, Sections 853(a)(1) and (a)(2), defendants MICHAEL JAMES FITZGERALD, EDDIE B. HOWARD and VICTOR ALLYN SMITH, shall, upon conviction, forfeit to the United States all rights, title and interest in any and all property obtained directly or indirectly as a result of said violations and/or used or intended to be used in any manner or part of commit or to facilitate the commission of the violations alleged in Counts 1 and 2 of this indictment, including, but not limited to:

(1) The property known as 29821 Southeast 408th Street, Enumclaw, Washington.

(2) The property known as 6991 Apache Trail Rd., Yucca Valley, California;

(3) Suburban, Washington State license number unknown.

(4) Motor home, Washington State license number unknown.

1 (5) 1979 Reinell, 26 foot power boat, Washington State
2 registration number WN61DJ, BHN number RENB0779M79EX,
3 registered to defendant MICHAEL RIES, using the alias "Mick
4 Spring," 319 Nickerson, Seattle, Washington 98109.

5 (6) Al Kriss II, a power boat, Washington State registration
6 number WN0852JS, BHN number WAZ4800A1971, registered to
7 defendant VICTOR ALLYN SMITH.

8 (7) 27 foot Bayliner power boat, Washington State registration
9 number WN9587JR, BHN number BLBJ21VS07789BP, registered to
10 defendant MICHAEL RIES, using the alias "Mike Stone,"
11 20611 East Bothell-Everett Highway, Apt. #267, Bothell,
12 Washington 98012.

13 (8) 1991 Saab automobile, Nevada license 031GVD, registered to
14 Island's Import, Las Vegas, Nevada.

15 All in violation of Title 21, United States Code, Section 853.

16 2. The United States further intends to forfeit any other
17 property constituting or derived from any proceeds the defendants
18 obtained directly or indirectly as a result of the aforesaid
19 violation, and any property used or intended to be used to commit or
20 to facilitate the commission of the violation alleged in this
21 indictment, pursuant to Title 21 United States Code, Section 853, as
22 incorporated by reference by Title 18, United States Code, Section 982
23 with respect to each defendant.

24 3. If any of the above-described forfeitable property, as a
25 result of any act or omission of the defendants -

- 26 (1) cannot be located upon the exercise of due diligence;
27 (2) has been transferred or sold to, or deposited with, a
28 third person;

- 1 (3) has been placed beyond the jurisdiction of the Court;
2 (4) has been substantially diminished in value; or
3 (5) has been commingled with other property which cannot
4 be subdivided without difficulty;
5 it is the intent of the United States, pursuant to Title 18, United
6 States Code, Section 982(b), to seek forfeiture of any other property
7 of the defendants up to the value of the said property listed above
8 as being subject to forfeiture.

9 DATED: March 12, 1998.

10 A TRUE BILL:

11
12 Katherine A. Frant
13 Foreperson

14 ALAN D. BERSIN
15 United States Attorney

16 By: Timothy D. Coughlin
17 TIMOTHY D. COUGHLIN
18 Assistant U.S. Attorney

19 Shane P. Harrigan
20 SHANE P. HARRIGAN
21 Assistant U.S. Attorney
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